



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of the Philippines*

I. Introduction

1. The Committee considered the initial report of the Philippines (CRPD/C/PHL/1 and Corr.1) at its 419th and 420th meetings (CRPD/C/SR.419 and 420), held on 12 and 13 September 2018, respectively. It adopted the present concluding observations at its 428th meeting, held on 19 September 2018.
2. The Committee welcomes the initial report of the Philippines, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies (CRPD/PHL/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/PHL/Q/1).
3. The Committee appreciates the constructive dialogue with the State party's high-level delegation, which included representatives of the relevant government ministries and departments. The Committee commends the delegation's frank responses to the questions that were posed by members of the Committee.

II. Positive aspects

4. The Committee takes note that, according to the Constitution, the Convention is considered part of the organic law of the State party, and therefore applicable to all authorities; its provisions are invoked before the courts. It welcomes the measures taken by the State party since the ratification of the Convention to develop a legislative and policy framework for its implementation, including:
 - (a) The adoption of Republic Act No. 10524 (2012), reserving 1 per cent of all government positions for persons with disabilities;
 - (b) The adoption of Republic Act No. 10700 (2009), establishing institutional mechanisms for implementing programmes for persons with disabilities at the local level;
 - (c) The establishment by local government units of offices for persons with disabilities at the municipal, city and provincial levels.
5. The Committee commends the State party for joining the Asia-Pacific region in endorsing the Asian and Pacific Decade of Persons with Disabilities, 2013–2022, and for being the first country in the western Pacific region to implement the World Health Organization Model Disability Survey.

* Adopted by the Committee at its twentieth session (27 August–21 September 2018).



III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

6. The Committee is concerned about:

(a) The prevalence of the medical and charity approaches in the State party's legislation and policies concerning persons with disabilities, overemphasizing impairment, medical treatment and social care, which are in stark contrast to the human rights model of the Convention;

(b) Insufficient human, technical and financial resources allocated for reforming and harmonizing national-level disability laws and institutionalizing policy changes to implement the Convention;

(c) Legislation that perpetuates existing stereotypes against persons with disabilities and inadvertently institutionalizes stigmatization and disability-based discrimination;

(d) The absence of a comprehensive policy across all sectors and levels for implementing the State party's obligations under the Convention, including removing all barriers to the inclusion of persons with disabilities in society.

7. The Committee recommends that the State party:

(a) Establish a process to conduct a review of its legislation and bring it into line with the human rights model of disability in the Convention. The State party should recognize all persons with disabilities as right-holders, and reaffirm their inherent dignity and autonomy;

(b) Eliminate the multiple levels of assessments of disability and, in consultation with representative organizations of persons with disabilities, develop an assessment policy and procedure, in line with the human rights model of disability enshrined in the Convention;

(c) Ensure appropriate human, technical and financial resources to update its legislative and policy framework;

(d) Carry out a participatory process involving representative organizations of persons with disabilities as well as organizations of the public and private sectors, aimed at identifying environmental and attitudinal barriers hindering full and effective participation of persons with disabilities in Philippine society, and adopting measures to overcome such barriers at all levels;

(e) Adopt a comprehensive national action plan for the implementation of the obligations in the Convention. The State party should establish a time frame, specific indicators and benchmarks concerning the progress of such a policy, and allocate resources for its implementation in rural areas, municipalities and provinces.

8. The Committee is concerned about the lack of information, coupled with effective and meaningful consultations. The State party should consult and involve representative organizations of persons with disabilities, particularly those living in remote and rural areas, in decision-making processes and public affairs concerning implementation and monitoring of the Convention.

9. The Committee, in line with its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, recommends that the State party:

(a) Adopt measures to promote the establishment of organizations of women with disabilities, organizations of children with disabilities and organizations of persons with intellectual disabilities, and provide them with financial resources to ensure their functioning;

(b) Provide persons with disabilities with accessible information and methodologies concerning consultation procedures, including information on Easy Read for organizations of persons with intellectual disabilities, and age-appropriate mechanisms for improving the participation of children with disabilities, through their representative organizations.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

10. The Committee observes with concern that:

(a) Provisions in the Magna Carta for Persons with Disabilities of 1992 (Republic Act No. 7277) and its subsequent amendments in 2007 and 2016 only address disability-based discrimination in employment, transportation and the use of public accommodations and services;

(b) The absence of information and measures to address multiple and intersectional discrimination against indigenous and Muslim persons with disabilities;

(c) The lack of recognition of reasonable accommodation in several areas of life and the denial of reasonable accommodation as a form of disability-based discrimination;

(d) The lack of remedies and complaint procedures available in cases of discrimination on the basis of disability, and the absence of information about redress provided, including compensation.

11. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:

(a) Recognize disability in its general legislation as a ground for discrimination in all areas of life;

(b) Adopt a comprehensive strategy to prevent all forms of discrimination against persons with disabilities to prevent intersectional and multiple forms of discrimination against persons with disabilities on the grounds of sex, age, origin, religion, ethnicity, sexual orientation and gender identity, impairment, migrant, asylum-seeking or refugee status, and social status;

(c) Establish accessible and effective redress mechanisms, including judicial and administrative procedures, and ensure access to justice, on an equal basis with others, for victims of disability-based discrimination. The State party should provide persons with disabilities with accessible information about complaint procedures through the courts and free legal aid;

(d) Recognize in its legislation the concept of reasonable accommodation in accordance with article 5 (3) of the Convention and the denial of reasonable accommodation as a form of disability-based discrimination;

(e) Take into account article 5 of the Convention in implementing targets 10.2 and 10.3 of the Sustainable Development Goals, in particular multiple and intersectional discrimination on the basis of gender, age, disability and leprosy through anti-discrimination legislation and policies to help address stigma against persons with disabilities.

Women with disabilities (art. 6)

12. The Committee is concerned about:

(a) The overall lack of information about the situation of women and girls with disabilities, in particular their access to social protection and an adequate standard of living, and their economic and employment conditions, and enjoyment of political rights by women with disabilities;

(b) The overall exclusion of women with disabilities, in particular women and girls with intellectual or psychosocial disabilities, as well as those from indigenous peoples and other ethnic and religious minorities, in decision-making processes concerning matters affecting them.

13. The Committee recommends that the State party take into account the Committee's general comment No. 3 (2016) on women and girls with disabilities and:

(a) Strengthen data collection and publication of the human rights situation of women and girls with disabilities with a view to developing the appropriate policies to combat sex and gender-based discrimination;

(b) Ensure that general legislation about gender equality and disability-related legislation mainstream the rights of women and girls with disabilities. The State party should reinforce the application of the Compendium of Monitoring and Evaluation Indicators on gender equality and women's empowerment in all processes related to legislation and public policy reform;

(c) Ensure that the Philippine Commission on Women, and the Commission on Human Rights of the Philippines allocate specific human, technical and budgetary resources for the advancement of the rights of women and girls with disabilities, and promote full participation of organizations of women with disabilities in their work;

(d) Undertake consultations with women and girls with disabilities with a view to using these as a basis for implementing law reform and policy changes, with particular attention to their family lives, education, health services, employment and all forms of gender-based violence against women, as well as discriminatory practices;

(e) Consider the obligations of the Convention in implementing measures to achieve targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals.

14. The Committee is concerned about the high level of gender-based violence against women and girls with disabilities, including sexual violence and abuse. In particular, it is concerned about the research data of organizations of persons with disabilities, which show that rape cases filed by women and girls who are deaf or hard of hearing outnumber all other types of complaints of women with disabilities, by a factor of 10 to 1. It is further concerned about violence against women and girls with psychosocial disabilities, as they are overrepresented in the Supreme Court cases about gender-based violence.

15. The Committee recommends that the State party:

(a) Establish a time frame and a strategy to protect women and girls with disabilities against all forms of gender-based violence, and prohibit all forms of gender-based violence against women and girls with disabilities, including violence within the family;

(b) Provide women and girls with disabilities with accessible information and reporting mechanisms to detect, prevent and combat all forms of violence, including sexual violence against women and girls with disabilities;

(c) Adopt measures to provide women with disabilities with redress in cases of violence, including access to rehabilitation, and compensation.

Children with disabilities (art. 7)

16. The Committee is concerned about:

(a) The lack of information about measures to ensure inclusion of children with disabilities in society, especially so since there are an estimated 3.3 million children with disabilities in the State party, representing about 8 per cent of the total population;

(b) The absence of strategies to promote the best interests of the child in actions concerning children with disabilities;

(c) The institutionalization of children with disabilities and the separation of children with disabilities from their families in rural areas while they attend school;

(d) The absence of measures to ensure that the views and opinions of children with disabilities are considered in all matters affecting their lives.

17. The Committee recommends that the State party:

(a) Adopt a comprehensive strategy and action plan for the promotion and protection of the rights of children with disabilities, and allocate specific human, technical and financial resources, including for monitoring mechanisms, to assess their implementation;

(b) Take measures to develop and strengthen respect for the rights of children with disabilities at home, and enhance support for the families of such children, including early childhood programmes, in accordance with the standards established under international human rights law, in particular the Convention on the Rights of the Child. The State party should pay particular attention to children with disabilities living in rural areas and those belonging to ethnic and religious minorities, as well as migrant, refugee and asylum-seeking children;

(c) Take measures to make mainstream schools accessible so that children with disabilities in rural areas can attend schools while living with their families;

(d) Strengthen and ensure national coverage of referral systems, including community-based rehabilitation of children with disabilities across the country;

(e) Set up protocols and guidelines aimed at consulting with children with disabilities through their representative organizations, ensuring support according to their age and disability, in relation to issues affecting them.

Awareness-raising (art. 8)

18. The Committee is concerned about:

(a) The emphasis of the State party on prevention of impairment rather than inclusion and exercising rights, and that public resources are allocated to annual events that reinforce the medical approach to disability;

(b) The lack of awareness regarding attitudinal barriers and other hardships confronting women and girls with intellectual or psychosocial disabilities;

(c) The lack of information on the outcomes of "sensitization training" and proclamations of the State party in addressing public apathy and negative attitudes against persons with disabilities.

19. The Committee recommends that the State party:

(a) Strengthen awareness-raising campaigns, in cooperation with organizations of persons with disabilities, to foster a positive image of persons with disabilities as human rights-holders;

(b) Ensure that awareness-raising activities recognize the cross-cutting nature of the Convention, and adopt the human rights model of disability as a key strategy to strengthen public awareness regarding disability;

(c) Strengthen training and capacity-building activities among public authorities, in particular civil servants responsible for implementing the Convention;

(d) Operationalize monitoring instruments to ascertain awareness-raising campaigns and their outcomes in eliminating negative perceptions of persons with disabilities in society.

Accessibility (art. 9)

20. The Committee is concerned that measures such as Batas Pambansa No. 344, also known as the Accessibility Law, and Republic Act No. 7277 do not include the principles of accessibility through universal design as set forth in articles 2 and 9 of the Convention. It is also concerned about the absence of a national action plan on accessibility, that only city buses are required to comply with accessibility requirements and the fact that the current

Accessibility Law does not include accessibility for all persons with disabilities. It is further concerned about the limited accessibility to modern jeepneys.

21. The Committee recommends that the State party, guided by its general comment No. 2 (2014) on accessibility, and involving the participation of organizations of persons with disabilities:

- (a) Conduct a review of its legislation and adopt a plan of action to develop accessibility to the physical environment, transportation, information and communications of all persons with disabilities. The State party should adhere to the principle of universal design as laid down in article 2 of the Convention, ensuring that the infrastructure, transportation, services and technologies are designed for and usable by all people to the greatest extent possible, without the need for further adaptation or specialized design;
- (b) Expand accessibility laws and guidelines to protect the accessibility of all persons with disabilities;
- (c) Establish complaint procedures and monitoring of accessibility requirements concerning public and private services, facilities and procurement procedures, ensuring the right of and resources for organizations of persons with disabilities to support complaint procedures and monitor accessibility;
- (d) Strengthen the technical and financial resources to ensure accessibility to transportation beyond the available accessible seats on public buses;
- (e) Increase the use of jeepneys for all persons with disabilities;
- (f) Take into account its obligations under article 9 of the Convention that are relevant to targets 11.2 and 11.7 of the Sustainable Development Goals in order to provide access to safe, affordable, accessible and sustainable transport systems to persons with disabilities by adapting public transport, with special attention to the requirements of persons with disabilities;
- (g) Adopt monitoring indicators to assess improvements in accessibility.

Situations of risk and humanitarian emergencies (art. 11)

22. The Committee is concerned about the lack of information on measures taken to implement the Philippine Disaster Risk Reduction and Management Act of 2010 and the coordination mechanisms by the National Disaster Risk Reduction and Management Council with respect to persons with disabilities in situations of risk. It is also concerned about the reports that, during the Battle of Marawi in Lanao del Sur Province in 2017, many women, and at-risk groups, such as children and persons with disabilities, were left in the centre of gunfire and chaos, causing massive internal displacement.

23. The Committee recommends that the State party:

- (a) Adopt an effective mechanism in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 in order to have an accessible communication strategy (e.g. hotlines, a text message-warning application, general manuals in sign language and Braille, etc.) and a comprehensive emergency strategy and protocols for situations of risk;
- (b) Ensure that disaster risk reduction strategies are inclusive and accessible for persons with disabilities, and comply with the commitments of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, and the 2016 World Humanitarian Summit;
- (c) Enact legislation and enforce measures requiring all public services to develop individual and local plans for the safe evacuation of persons with disabilities during situations of risk, in close consultation with persons with disabilities, through their representative organizations.

Equal recognition before the law (art. 12)

24. The Committee is concerned that:

(a) The State party's legislation still denies the legal capacity of persons with disabilities to express their will and preferences concerning all aspects of their lives, establishes guardianships and restricts the capacity of persons with intellectual or psychosocial disabilities to exercise their rights;

(b) The ongoing deliberations in Congress on the selective provision of support for decision-making and on "legal representatives" acting virtually as substitute decision makers will result in a lack of equality before the law;

(c) Persons with disabilities face difficulties in gaining access to the legal system due to the absence of legal practitioners able to communicate with persons with disabilities, in particular persons with hearing impairments.

25. **The Committee recommends that the State party:**

(a) **Review articles 37 to 39 of its Civil Code (Republic Act No. 386), article III, section 11, of its Constitution and Republic Act No. 9406, and enact legislation recognizing the full legal capacity of persons with disabilities in line with the Committee's general comment No. 1 (2014) on equal recognition before the law;**

(b) **Provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the principles of supported decision-making;**

(c) **Establish a system of supported decision-making for persons with disabilities, in line with the freedom of choice of persons with disabilities, including the possibility to stop support.**

Access to justice (art. 13)

26. The Committee is concerned about the barriers that persons with disabilities face in access to justice, including attitudinal barriers and the prejudices of court personnel, as well as securing the services of well-trained sign language interpreters to assist throughout the proceedings. It is also concerned about the lack of implementation of Executive Order No. 709 establishing the Subcommittee on Access to Justice and Anti-Discrimination.

27. **The Committee recommends that the State party adopt measures to provide age-appropriate or procedural accommodations, including physical access to courtrooms, accessible legal services, qualified sign language and tactile sign interpreters in courtrooms and police stations, and legal and procedural information in Easy Read. It also recommends that the State party conduct capacity-building programmes for the legal profession, and police and prison officers concerning the rights enshrined in the Convention.**

Liberty and security of the person (art. 14)

28. The Committee is concerned that rule 101 of the Rules of Court (Civil Procedure) on proceedings for the hospitalization of "insane" persons and the provisions of the Mental Health Act maintain procedures for involuntary detention on the basis of impairment.

29. **The Committee recommends that the State party, in line with the Committee's guidelines on the right to liberty and security of persons with disabilities:**

(a) **Repeal rule 101 of the Rules of Court on proceedings for the hospitalization of "insane" persons, conduct a review of its Mental Health Act and withdraw provisions that allow for detention in psychiatric hospitals and other types of institutions;**

(b) **Stop processes aimed at the institutionalization of persons with disabilities in psychiatric hospitals on the basis of actual or perceived impairment.**

Freedom from exploitation, violence and abuse (art. 16)

30. The Committee is concerned about:

(a) The high level of violence against children with disabilities in family settings and schools, in particular the reports of children restrained in their homes, and the information about the cases of deaf girls and boys with disabilities who are the victims of sexual violence, including rape and sexual assault by male teachers or principals in public and private schools, in the absence of criminal prosecutions and convictions of the perpetrators of such acts and redress mechanisms for the victims;

(b) The information about violence, including sexual violence against persons with disabilities who live in the streets;

(c) The information about the risks of trafficking faced by women with disabilities and violence occurring online and in other digital environments.

31. **The Committee recommends that the State party:**

(a) **Intensify its efforts to address domestic violence and abuse, including sexual exploitation of women and children with disabilities in the private sphere, and ensure that persons with disabilities have access to independent complaints mechanisms and appropriate remedies for victims of abuse, such as redress and adequate compensation, including rehabilitation;**

(b) **Adopt mechanisms to monitor all the facilities and programmes designed to serve persons with disabilities with the aim of preventing violence, especially sexual violence against persons with disabilities, including children with disabilities, in accordance with article 16 (3) of the Convention;**

(c) **Ensure that any strategies for the prevention of trafficking take into account and address the particular risks of women and girls with disabilities to different forms of trafficking and exploitation, and ensure that information and awareness-raising concerning trafficking is provided in accessible formats and covers all urban and rural areas of the country.**

Protecting the integrity of the person (art. 17)

32. The Committee is concerned about the reported incidents of forced sterilization of women with intellectual disabilities.

33. **The Committee recommends that the State party take measures to protect women with intellectual disabilities from involuntary sterilization, and ensure that forced sterilization will not happen in the future.**

Living independently and being included in the community (art. 19)

34. The Committee is concerned about:

(a) The lack of recognition of the right to live independently and be included in the community as a subjective right;

(b) The absence of a strategy to ensure the transition from institutions to full independent living for all persons with disabilities within the community, including personal assistance;

(c) The lack of support services to enable persons with disabilities to be included and participate fully in the community, which contributes to the perpetuation of the institutionalization model.

35. **The Committee recommends that the State party take into account the Committee's general comment No. 5 (2017) on living independently and being included in the community, and:**

(a) **Enact legislation aimed at recognizing the right of persons with disabilities to be included in the community and to choose their place of residence, and where and with whom they live. The State party should ensure that all persons with**

disabilities have the legal capacity to exercise their freedom of choice concerning living arrangements;

(b) Ensure the involvement of persons with disabilities and their representative organizations at all stages of the development of independent living strategies and schemes;

(c) Adopt the measures necessary to ensure that persons with disabilities have a legal entitlement to a sufficient personal budget for independent living, which takes into account the additional costs related to disability, and, at the same time, redirect resources from institutionalization to community-based services, while increasing the availability of personal assistance;

(d) Implement community support services, with qualified human resources and adequate budgets, to enable persons with disabilities to make independent decisions on where to live and to be included in the community.

Personal mobility (art. 20)

36. The Committee is concerned about the absence of a non-discriminatory and systematic framework with adequate public budgets dedicated to the acquisition of mobility aids and assistive technologies, which are crucial in ensuring the unrestricted personal mobility of persons with disabilities.

37. The Committee recommends that the State party adopt a policy framework, including fixed and sufficient human, technical and financial resources, to ensure that persons with disabilities can acquire quality and affordable mobility aids and assistive devices, technologies and services necessary for their personal mobility. It also recommends that the State party establish targets to provide universal access to appropriate orthopaedic, technological and other assistive devices, as well as appropriate information and training on how to use them.

Freedom of expression and opinion, and access to information (art. 21)

38. The Committee is concerned about:

(a) The lack of recognition and support of the specific cultural and linguistic identity of persons who are deaf through the promotion of Philippine sign language and deaf culture;

(b) The lack of Easy Read materials available for persons with intellectual disabilities;

(c) The fact that the bill on Philippine sign language has yet to be adopted.

39. The Committee recommends that the State party adopt amendments to section 22 of Republic Act No. 7277 and other related measures to ensure that persons with hearing impairments are provided with language subtitles in its newscast programme.

Education (art. 24)

40. The Committee observes with concern:

(a) The prevalence of the special education model, and the lack of measures to provide for inclusive and mainstreamed education for persons with disabilities;

(b) The low number of children with disabilities enrolled in elementary schools (only 110,169 pupils with disabilities were enrolled in government elementary schools, according to data relating to the period from 2013 to 2014 from the Department of Education, out of some 5.49 million children with "special needs", who comprised 13 per cent of the total population of children);

(c) The education of children, young persons and adults with disabilities in regular educational facilities is hindered by the barriers to accessibility, and the lack of universal design for learning and of reasonable accommodations in all academic and social aspects of student life;

(d) That the Governance of Basic Education Act of 2001 only covers official elementary schools;

(e) The general lack of quantitative data on access to education and the outcomes of education for persons with disabilities, and the inconsistency of data collected by different entities.

41. The Committee recommends that the State party:

(a) Enact legislation recognizing inclusive education in line with the Committee's general comment No. 4 (2016) on the right to inclusive education, and adopt a time frame to implement inclusion;

(b) Improve the implementation of the principle of universal design, including accessibility and reasonable accommodation for learning;

(c) Recognize and provide reasonable accommodation in all academic and social aspects of student life, and ensure teacher training to support students with disabilities in regular classrooms;

(d) Enact specific legislation to support the implementation of reasonable accommodation, individualized learning and inclusive classrooms across the State party;

(e) Take legislative and administrative measures to ensure the availability of accessible learning materials at the technical and higher education levels for persons with disabilities;

(f) Adhere to targets 4.5 and 4 (a) of the Sustainable Development Goals to ensure equal access to all levels of education and vocational training, and build and upgrade education facilities that are disability-sensitive and safe.

Health (art. 25)

42. The Committee is concerned about the limited sexual reproductive health education, services and rights available to women and girls with disabilities on account of the ineffective implementation of the Responsible Parenthood and Reproductive Health Act of 2012 (Reproductive Health Law). It is also concerned about the prejudice and discrimination of families, service providers and the wider public that prevent women and girls from accessing health care.

43. The Committee recommends that the State party:

(a) Ensure women, girls and persons with psychosocial disabilities comprehensive access to sexual reproductive health and community-based rehabilitation services for rural and remote areas without having to endure the prejudices of others;

(b) Increase health-care professionals' training on the provision of sexual and reproductive health-care education and services to women, girls and persons with psychosocial disabilities, and their sensitization during the provision of such, in accordance with the Convention;

(c) Strengthen training for all regional health workers nationwide by reactivating the Responsible Parenthood and Reproductive Health Act of 2012 (Reproductive Health Law).

Habilitation and rehabilitation (art. 26)

44. The Committee is concerned that the State party's information about the implementation of the rehabilitation/habilitation services provided for in the Magna Carta for Persons with Disabilities, and the Vocational Rehabilitation Act, is not substantiated by data. It is also concerned about the uneven implementation of community-based rehabilitation due to the different approaches of stakeholders that promote a health-focused approach rather than inclusive development. It is further concerned about information

relating to the current procurement procedures limiting the supply, quality of services or products, prices and choice of various assistive devices to persons with disabilities.

45. The Committee recommends that the State party:

(a) **Redouble its efforts to implement numerous provisions for habilitation/rehabilitation as part of the general health-care policies, and strengthen the monitoring mechanisms of rehabilitation services;**

(b) **Adopt protocols to ensure rehabilitation in compliance with inclusive equality and development;**

(c) **Improve the administration of procurement policy to ensure the supply, quality, prices and choice of various assistive devices for persons with disabilities.**

Work and employment (art. 27)

46. The Committee is concerned by:

(a) The fact that legislation, policies, programmes and related activities, such as the Presidential Decree No. 442, otherwise known as the Labour Code, the Sustainable Livelihood Self-employment Assistance Kaunlaran programme, and the Likhang Persons with Disability (CRPD/C/PHL/1, see para. 210), to create employment and protect all workers from any form of discrimination regardless of disability have not been effective in creating employment opportunities for persons with disabilities;

(b) The lack of sufficient implementation of the quota system for employment as it applies to different disability groups;

(c) The continued stigmatization of persons with disabilities in the labour market, in particular, the assertion by employers that persons with disabilities lack the necessary knowledge, skills or abilities for jobs, and the notion that their recruitment would entail higher labour costs for training and improving facilities.

47. The Committee recommends that the State party:

(a) **Adopt measures to ensure the effective implementation of Presidential Decree No. 442 and the 5 per cent employment quota system, and strengthen the structured orientation programme for potential employers to encourage the employment of persons with disabilities;**

(b) **Adopt measures to provide for reasonable accommodation in job recruitment processes, ensure that these processes are inclusive of persons with disabilities, and issue guidelines for the provision of reasonable accommodation and accessibility at the workplace;**

(c) **Uphold target 8.5 of the Sustainable Development Goals to achieve full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value.**

Adequate standard of living and social protection (art. 28)

48. The Committee is concerned about the:

(a) Lack of information about the implementation of policies such as the Food Safety Act of 2013 and the Poverty Alleviation Fund in ensuring a decent standard of living for persons with disabilities;

(b) The limited access of persons with disabilities to programmes concerning access to water, housing and food;

(c) The lack of allowances and resources to cover disability-related expenses, and the limited provision of social protection programmes for persons with disabilities regardless of their employment situation.

49. **The Committee recommends that the State party:**

- (a) Adopt criteria to ensure that programmes to provide for clean water, food and housing mainstream all persons with disabilities;
- (b) Collect disaggregated data about the number and percentage of persons with disabilities who have received a minimum level of social protection from the Government, disaggregated by sex, age and ethnicity, in particular persons with intellectual or psychosocial disabilities;
- (c) Adopt measures to provide social protection schemes and allowances that recognize the additional costs associated with disability and ensure access to disability pensions by all persons with disabilities throughout its territory;
- (d) Adhere to target 10.2 of the Sustainable Development Goals to empower and promote the economic inclusion of all, in particular by targeting persons with disabilities.

Participation in political and public life (art. 29)

50. The Committee is concerned about the lack of information about the participation of persons with disabilities at the local and national levels in conducting public affairs, and that persons with intellectual or psychosocial disabilities face barriers to exercise their right to vote.

51. **The Committee recommends that the State party repeal discriminatory provisions that prevent persons with intellectual or psychosocial disabilities from exercising their rights to vote and stand for elections. It also recommends that the State party take measures to facilitate electronic voting for all persons with disabilities regardless of the type of impairment.**

Participation in cultural life, recreation, leisure and sport (art. 30)

52. The Committee is concerned that the State party has yet to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

53. **The Committee encourages the State party to take all appropriate measures to ratify and implement the Marrakesh Treaty as soon as possible.**

54. The Committee is concerned about the policy of granting national funding only for the Paralympics and the Special Olympics to enable athletes to participate in competitions abroad, excluding persons with disabilities enrolled in other sports. It is also concerned about the lack of measures to promote the inclusion of persons with disabilities in cultural and recreational activities.

55. **The Committee recommends that the State party:**

- (a) Allocate public funds for equal access and practise of sports by all persons with disabilities;
- (b) Adopt measures to ensure that all persons with disabilities participate in cultural life, recreation, leisure and sport;
- (c) Adopt a strategy and allocate resources at the national and local levels to develop inclusive facilities, programmes and activities for persons with disabilities, in areas such as theatre, dance and music, in partnership and close consultation with organizations of persons with disabilities.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

56. The Committee is concerned that the home assessment survey conducted between March 2009 and March 2010 — the National Household Targeting System for Poverty

Reduction — lacks disaggregated data on women, children, persons with disabilities, persons living in poverty and indigenous peoples, among others, disaggregated by type of impairment, gender, age, geographical location and other appropriate variables.

57. The Committee recommends that the State party:

(a) **Work in consultation with persons with disabilities through their representative organizations to establish a system for the collection of up-to-date appropriate, disaggregated data, in line with the proposal by the Washington Group on Disability Statistics;**

(b) **Strengthen the capacity and resources of the National Council for Disability Affairs and the Philippine Statistics Authority concerning collection, management, analysis and dissemination of statistics and data concerning persons with disabilities;**

(c) **Collect data on those among its population with disabilities, disaggregated by sex, age, ethnicity, type of impairment, socioeconomic status, employment and place of residence, as well as data on the barriers that persons with disabilities face in society and their level of poverty;**

(d) **Pay attention to the links between article 31 of the Convention and target 17.18 of the Sustainable Development Goals to increase significantly the availability of high-quality, timely and reliable disability data, disaggregated by income, gender, age, ethnicity, migratory status, geographic location and other characteristics that are relevant in national contexts.**

International cooperation (art. 32)

58. The Committee is concerned about:

(a) The lack of a systematic and institutionalized approach to incorporating the Convention into its disability-inclusive development cooperation initiatives, including programmes for the national implementation and monitoring of the 2030 Agenda for Sustainable Development, and the extent of the State party's collaboration with international bodies;

(b) The extent to which persons with disabilities have been included in developing, implementing and monitoring disability-inclusive projects.

59. The Committee recommends that the State party review its international projects carried out in partnership with global aid agencies to ensure full compliance with the principles of the Convention, in particular to ensure the meaningful and empowered inclusion of persons with disabilities and their representative organizations in designing, implementing and monitoring disability-inclusive development projects and also in achieving the Sustainable Development Goals, especially Goal 1 on poverty reduction.

National implementation and monitoring (art. 33)

60. The Committee is concerned about:

(a) The lack of information about a coordination mechanism, and the designation of focal points across all branches of government on disability matters, which collaborate with the National Council for Disability Affairs on implementing the Convention;

(b) The lack of specific mechanisms within the Commission on Human Rights of the Philippines to engage and ensure the participation of persons with disabilities, through their representative organizations, in monitoring the Convention at the national and local levels.

61. The Committee recommends that the State party:

(a) **Strengthen the competencies and resources of the National Council for Disability Affairs concerning the implementation of the Convention, and ensure that**

all branches and levels of government designate disability focal points with budget allocations to carry out programmes under the Convention;

(b) Ensure that public authorities implementing the Convention ensure respect for the human rights model of disability, avoid labelling children with disabilities and ensure the protection of their rights under the Convention;

(c) Ensure the appointment of an independent monitoring framework in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and sufficient funding for the Commission on Human Rights of the Philippines to carry out its mandate to monitor the Convention, and to enable organizations of persons with disabilities to participate throughout the monitoring and implementation of the Convention, in accordance with its article 33 (3) of the Convention, and taking into account the guidelines on independent monitoring frameworks and their participation in the work of the Committee (see CRPD/C/1/Rev.1, annex).

IV. Follow-up

Dissemination of information

62. The Committee emphasizes the importance of all the recommendations contained in the present concluding recommendations and would like to draw the attention of the State party to the recommendation contained in paragraphs 29 and 31 on which urgent measures must be taken.

63. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Congress, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities and the media, using modern social communication strategies.

64. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

65. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

66. The Committee requests the State party to submit its combined second, third and fourth periodic reports by 3 June 2022, and to include therein information on the implementation of the recommendations in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.